The Financial Intelligence Centre (the Centre) provides the guidance contained in this Public Compliance Communication (PCC) in terms of its statutory function under section 4(c) of the Financial Intelligence Centre Act (Act 38 of 2001) (the FIC Act).

The content of PCC03A is hereby revised and replaces the previously issued PCC03A. PCC03A is an addendum to and forms part of PCC03, which was previously issued by the Centre. PCC03A should be read in conjunction with PCC03.

PCC03A Summary
The supplementary contact information contained in PCC03A provides an interim measure which is intended to assist accountable institutions in instances where an official identification document is not available and the circumstances in which reliance on the section 22 and section 24 permits issued in terms of the Refugees Act, 1998 (Act 130 of 1998) (the Refugees Act), as alternative forms of identification, is permissible.

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1. Objective

1.1. The objective of PCC03A is to provide further clarity on the application of PCC03 concerning:

i) the treatment of relationships and transactions with clients which were established or concluded by accountable institutions with asylum seekers and refugees prior to the date when PCC03 was issued; and

ii) the identification and verification requirements relating to asylum seekers and refugees as prospective clients in terms of client take-on procedures of accountable institutions.

1.2. A number of accountable institutions, in particular banks, have engaged with clients prior to the date when PCC03 was issued, placing reliance on asylum seeker or refugee permits or certificates issued under sections 22 or 24 of the Refugees Act, as a means to confirm the client’s identity particulars.

1.3. Since the issuing of PCC03, many of these institutions do not permit the clients in question to transact in the course of the business relationships that had been established, for example by not permitting any funds to be withdrawn from the client’s account.

1.4. In addition, accountable institutions have adopted the approach of not establishing new business relationships where reliance was requested to be placed on asylum seeker or refugee permits or certificates issued under sections 22 or 24 of the Refugees Act, respectively.
The Centre’s Interpretation

2. Existing business relationships with asylum seekers and refugees

2.1. PCC03 provides guidance concerning the obligations of accountable institutions when establishing business relationships or conducting single transactions with clients in circumstances where the requirements of the FIC Act and the Money Laundering and Terror Financing Control Regulations (the Regulations) apply in the context of asylum seekers and refugees.

2.2. PCC03 guides accountable institutions to review the processes by which they had previously established or concluded business relationships and transactions with asylum seekers and refugees.

3. Interim measures in applying PCC03

3.1. The Centre, together with the Department of Home Affairs, has developed a further interim measure to deal with the possible unintended consequences that may result in the practical application of PCC03.

3.2. PCC03A provides mechanisms for the verification of asylum seeker permit information by the Department of Home Affairs at the various regional offices where the asylum seeker application was made.

3.3. Accountable institutions may, in the absence of an official identification document referred to in PCC03, rely on the permits issued in terms of section 22 and section 24 of the Refugees Act as an alternative for asylum seekers and refugees when transacting with, or entering or conducting a business relationship with, such persons.

3.4. The reliance on such permits is conditional upon the accountable institution first verifying the information contained in such a permit with the Department of Home Affairs, in the manner described below.

3.5. The requests for verification from accountable institutions may only be directed to the dedicated verification capability provided by the Department of Home Affairs.
3.6. Requests for verification should therefore be forwarded to the Refugee Reception Office (RRO) where the asylum seeker application was made. The relevant RRO can be established by referring to the permit reference number which indicates which RRO received the application. The permit has a reference number on the top left side that starts with three (3) letters indicating the office that received the application.

3.7. Requests for verification should therefore be forwarded to the regional office where the asylum seeker application was made. The following contact details for the various RROs have been provided by the Department of Home Affairs:

<table>
<thead>
<tr>
<th>PREFIX</th>
<th>REFUGEE RECEPTION OFFICE</th>
<th>CONTACT PERSON</th>
<th>CONTACT DETAILS</th>
</tr>
</thead>
<tbody>
<tr>
<td>MUS</td>
<td>Musina</td>
<td>Sibusiso Majola</td>
<td><a href="mailto:Banks.Musina@dha.gov.za">Banks.Musina@dha.gov.za</a></td>
</tr>
<tr>
<td>DBR or DBN</td>
<td>Durban</td>
<td>Naleen Balgobing</td>
<td><a href="mailto:Banks.Asmkzn@dha.gov.za">Banks.Asmkzn@dha.gov.za</a></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Londiwe Gumede</td>
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<tr>
<td></td>
<td></td>
<td>Bawinile Hadebe</td>
<td></td>
</tr>
<tr>
<td>CTR</td>
<td>Cape Town</td>
<td>Santo Mohapeloa</td>
<td><a href="mailto:Banks.Asmwc@dha.gov.za">Banks.Asmwc@dha.gov.za</a></td>
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<tr>
<td></td>
<td></td>
<td>Vuyani Shwane</td>
<td></td>
</tr>
<tr>
<td>TIR</td>
<td>Gauteng - TIRRO</td>
<td>Mthetho Macanda</td>
<td><a href="mailto:Banks.Tirro@dha.gov.za">Banks.Tirro@dha.gov.za</a></td>
</tr>
<tr>
<td>PTD or PTR</td>
<td>Gauteng Marabastad</td>
<td>Tumelo Lenake</td>
<td><a href="mailto:Banks.Marabastad@dha.gov.za">Banks.Marabastad@dha.gov.za</a></td>
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<tr>
<td></td>
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<td>Kenneth</td>
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<td>Tshitavhane</td>
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<td></td>
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<td>Alina Magane</td>
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<tr>
<td>ECZ or PEB</td>
<td>Port Elizabeth</td>
<td>Sipho Lucas</td>
<td><a href="mailto:Banks.Asmpe@dha.gov.za">Banks.Asmpe@dha.gov.za</a> 079 610 1546</td>
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<tr>
<td></td>
<td></td>
<td>Bonakele Mtwisha</td>
<td>079 170 2400</td>
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<tr>
<td></td>
<td></td>
<td>Wilfred Baxter</td>
<td>079 470 2857</td>
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<tr>
<td></td>
<td></td>
<td>Zelda Hansen</td>
<td>083 764 3396</td>
</tr>
</tbody>
</table>
3.8. With all requests for verification, the Department of Home Affairs will require the accountable institution to provide them with the following details of the permit holder:

a) Names and Surname;
b) Date of birth;
c) Photograph;
d) Reference number; and
e) Country of origin.

3.9. The verification steps with the Department of Home Affairs mentioned above require accountable institutions to confirm that:

- the documentation used during the identification process are authentic Department of Home Affairs documents;
- the identity particulars provided by the person transacting with the accountable institution correspond with the information provided by the Department of Home Affairs concerning the person to whom the permit in question was issued; and
- the permit produced is current and valid, in other words the permit has not yet expired.

3.10. Accountable institutions must first successfully verify with the Department of Home Affairs the information contained in a permit presented to it, as described above, before it may place reliance upon such a permit. Importantly, if an accountable institution is unable to obtain confirmation from the verification process of any one of the above mentioned factors, it must cease transacting with the client.

4. Conducting existing and new business relationships and transactions with asylum seekers and refugees

4.1. Accountable institutions are required to follow the abovementioned process of verification in respect of all current and future permit holders in order to ensure that the permits in question are authentic and valid and that the holders are entitled to have those permits.
4.2. Accountable institutions should allow clients who have been engaging with the institution before the date on which PCC03 was issued to continue transacting in the course of the established business relationship, but may not permit those clients to introduce new funds into the account or other facility underlying the existing business relationship, or transact in another manner with new funds in the course of an existing business relationship, until the steps mentioned above have been fulfilled.

5. Reissue of PCC03A

5.1. The content of PCC03A is hereby revised and replaces the previously issued PCC03A, with effect from the date of issue of this revised PCC03A.

5.2. For any further enquiries regarding this Public Compliance Communication No.03A, please contact the Centre on 0860 342 342, or by sending an email to: fic_feedback@fic.gov.za.

Issued By:

The Director
Financial Intelligence Centre
24 April 2012